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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

[redacted]

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Date: OCT 0 6 2011 Office: TEXAS SERVICE CENTER FILE: [redacted]

IN RE: Petitioner: [redacted]
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

[redacted]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of $630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner states on Form I-140 that it is a real estate investment and management firm.[1] It seeks to classify the beneficiary as an advanced degree professional pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2). The petitioner seeks to employ the beneficiary permanently in the United States as an economist. The petition was submitted without any of the supporting documents required pursuant to 8 C.F.R. § 204.5(k)(3) to show that the beneficiary possessed the education and experience required by the certified labor certification. The director determined that the petitioner had not submitted the requisite initial evidence and denied the petition pursuant to 8 C.F.R. § 103.2(b)(1).

On appeal, counsel requests oral argument on account of the inability to adequately present all of the issues and reasons for the appeal in written form. The regulations provide that the requesting party must explain in writing why oral argument is necessary. Furthermore, Citizenship and Immigration Services (USCIS) has the sole authority to grant or deny a request for oral argument and will grant argument only in cases involving unique factors or issues of law that cannot be adequately addressed in writing. *See* 8 C.F.R. 103.3(b). In this instance, counsel identified no unique factors or issues of law to be resolved. Moreover, the written record of proceeding fully represents the facts and issues in this matter. Consequently, the request for oral argument is denied.

On appeal, counsel asserts that the statements made on the labor certification (ETA Form 8989), as well as a copy of the beneficiary's resume and a letter of support from the petitioner, which were submitted with the Form I-140, Immigrant Petition for Alien Worker were sufficient to constitute evidence of the beneficiary's educational credentials and the requisite 60 months of experience. Counsel contends that the director should have provided an opportunity for the petitioner to submit additional evidence by issuing a Request for Evidence. Counsel submits documentation relevant to these qualifications on appeal.

The regulation at 8 C.F.R. § 103.2(b)(1) provides that all required application or petition forms must be properly completed and filed with any initial evidence required by applicable regulations and/or the form's instructions. The regulation at 8 C.F.R. § 103.2(b)(8)(ii) provides that if all the required initial evidence is not submitted, U.S. Citizenship and Immigration Services (USCIS) may deny the petition

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[1] On page 3 of the 2005 federal corporate tax return contained in the record, the petitioner describes its business activity as "retail" and its product or service as "gasoline." Doubt cast on any aspect of the petitioner's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. It is incumbent on the petitioner to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth, in fact, lies, will not suffice. *See Matter of Ho*, 19 I&N Dec. 582, 591-592 (BIA 1988).

for lack of initial evidence. The commentary to this rule, *Removal of Standardized Request for Evidence Processing Timeframe,* 72 Fed. Reg. 19100, 19102 (April 17, 2007), indicates that the rule provides for the discretion to deny "skeletal" petitions that are filed "with little more than a signature and the proper fee" as such "clearly deficient" petitions will not be "permitted." The regulation at 8 C.F.R. § 204.5(k)(3)(i)(A) provides in relevant part that the initial evidence accompanying the petition required to show that an alien is a professional holding an advanced degree is an official academic record showing that the alien has a U.S. advanced degree or a foreign equivalent degree. Here, the petitioner has offered the beneficiary's official academic evidence for the first time on appeal. As USCIS clearly expressed that skeletal petitions should not be permitted, the director did not err in denying the petition pursuant to 8 C.F.R. § 103.2(b)(8)(ii). We uphold the director's decision as consistent with the intent expressed at 72 Fed. Reg. at 19102.

ORDER: The appeal is dismissed.